

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV30

MICHAEL A. and MARGE IANNUCCI,)

Plaintiffs,)

Vs.)

ORDER

ALSTATE PROCESS SERVICE, INC.;)

STEVEN J. BAUM, P.C.; and DEUTCHE)

BANK NATIONAL TRUST CO. OF)

CALIFORNIA,)

Defendants.)

_____)

THIS MATTER is before the Court on Plaintiff's motion for default judgment filed March 13, 2006, and the response of Defendant Alstate Process Service, Inc., thereto, as well as Alstate's motion for an extension of time to file responsive pleadings herein.

The Plaintiffs' motion is denied. As Defendant Alstate correctly points out, the Plaintiffs have not moved for entry of default and no default has been entered by the Clerk. **See Fed. R. Civ. P. 55(a)**. In addition, the Plaintiffs are advised that any pleading filed with the Court must show a

certificate of service on the opposing party. Their motion for default judgment contains no such certificate.

As for Defendant Alstate's motion for an extension of time, good cause has been shown to warrant the relief sought.

IT IS, THEREFORE, ORDERED that the Plaintiffs' motion for default judgment as to the Defendant Alstate is hereby **DENIED**.

IT IS FURTHER ORDERED that the Defendant Alstate's motion for an extension of time in which to file responsive pleadings is **ALLOWED**, and such time is extended to and including April 5, 2006.

Signed: March 22, 2006



Lacy H. Thornburg
United States District Judge

